IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.411/2005

Ms. Kiran Kamat alias Kiran P. Parrikar,
major, married,
r/o. C/o. B-365, House of Lords,
Opp. Goa Marriot Resort,
Miramar, Panaji, Goa. ..... Petitioner.

V/s.

Mr. Molu Vitola Camotim alias
Pankaj Kamat,
major, married, r/o. Opp. D.B.M. School,
Near Dena Bank, Sonarabhat,
Verem, Reis Magos, Goa.
also Proprietor Filmax Marketing,
Gajanan Smruti Building,
Near Mapusa Clinic,
Mapusa, Bardez, Goa. ..... Respondent.

Mr. M. S. Usgaonkar, Senior Advocate with Ms. G. Kale, Advocate for the petitioiner.

Mr. M. B. D'Costa, Senior Advocate with Mr. J. A. Lobo, Advocate for the respondent.

CORAM : R.S. MOHITE, J.

DATE : JULY 20, 2007.

ORAL JUDGMENT :

Heard both sides. Rule. By consent, rule made returnable

forthwith.

2. This is a writ petition impugning an order dated 23.9.2005, passed by the Civil Judge, Sr. Division, Panaji in Civil Misc. Application No. 147/2004/A in Matrimonial Petition No.16/2004/B, by which the visiting right of the defendant-husband in respect of the two children from the wedlock, as agreed, is confirmed till disposal of the suit. That in addition, the defendant-husband is also allowed to spend some weekends in between and some holidays of short duration of not more than 2 days in the company of his children without interference of the plaintiff-wife and under intimation to the trial Court.

3. On perusal of the order, I find that the impugned order has been passed on consideration of all material as available on the date of the order. At this stage, it can only be said that this being an interim arrangement where at least visiting right appears to be by mutual arrangement, I do not find anything perverse in the order. It would not be proper to interfere at the interim stage and, therefore, I am not inclined to entertain this writ petition and the same is dismissed. Rule discharged.

It is made clear that the final order pertaining to custody of the children will be based upon the evidence which the parties may adduce in the

trial Court alone and the order passed in this writ petition will not, in any way, influence the final order that will be passed by the trial Court.

Hearing of the matrimonial petition stands expedited and the same should be decided within a period of 12 months from today.

R.S. MOHITE, J.

ssm.